

<b>JAMES E. WASHINGTON,</b>	)	<b>CV F 05-0480 OWW WMW HC</b>
	)	
<b>Petitioner,</b>	)	<b>ORDER RE MOTION FOR</b>
	)	<b>EXTENSION OF TIME AND</b>
<b>v.</b>	)	<b>MOTION TO FILE MOTION</b>
	)	<b>TO DISMISS</b>
	)	
<b>PAUL M. SCHULTZ,</b>	)	[Doc. 30]
	)	
<b>Respondent.</b>	)	
	)	
	)	

On February 8, 2007, the court entered an order requiring Respondent to file an answer in this case by April 12, 2007. On April 9, 2007, Respondent filed a motion for an extension of time and for permission to file a motion to dismiss instead of an answer. The court has considered Respondent's arguments and HEREBY GRANTS Respondent permission to file a motion to dismiss instead of an answer. However, Respondent must still

1 address Petitioner's claim of actual innocence, as previously ordered. Good cause appearing,  
2 Respondent's motion to dismiss is GRANTED and Respondent shall file his response to the  
3 petition on or before April 18, 2007. Petitioner shall have thirty (30) days thereafter to file a  
4 response.

5 IT IS SO ORDERED.

6 **Dated: April 10, 2007**

**/s/ William M. Wunderlich**  
**UNITED STATES MAGISTRATE JUDGE**